



**City Council
Pre-Agenda Meeting
Tuesday, June 14, 2005
4:00 P.M.**

The regularly scheduled Pre-Agenda Meeting of the Trinity City Council was held on Tuesday, June 14, 2005 at Trinity City Hall, 6701 NC Highway 62, Trinity, NC 27370.

MEMBERS PRESENT: Mayor, Jimmy Shore; Council members Karen Bridges, Phil Brown, Barbara Ewings, Barry Lambeth, Bob Labonte, Dwight Meredith, and Edith Reddick.

MEMBERS ABSENT: Council Member Miles Talbert

MEMBERS LATE: NONE

OTHERS PRESENT: City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Code Enforcement Administrator, Adam Stumb; City Clerk/Finance Officer, Debbie Hinson; City Engineer, Randy McNeill; and other interested parties.

ITEM 1. Welcome

Mayor Shore called the June 14, 2005 Regular Pre-Agenda Meeting of the Trinity City Council to order at 4:00 pm and welcomed everyone present.

ITEM II. Invocation

The invocation was given by Council member Lambeth.

ITEM III. Fire Protection Recommendation (Aimee Scotten, Randolph County Attorney)

Mayor Shore opened this item and turned the discussion over to Ms. Scotten, Randolph County Attorney.

Ms. Scotten began discussion by advising Council members that every municipality in Randolph County predated the fire districts except Trinity. This is significant and is the reason for the issues that you have in Trinity. The Fire Tax Districts are formed under and governed by Chapter 69, Article 3-A of the North Carolina General Statutes and are created through a petition and election process. It is significant that this petition and election process only encompasses those areas that are outside the corporate limits of any city or town. Such is the case in the County of Franklinville Fire Tax District. It does not include the Town of Franklinville. The Town of Franklinville has their own fire tax and contracts with the Franklinville Fire Department. The County's Fire Tax District encompasses the area outside of the town itself. We collect taxes pursuant to that district and have our own contact.

The Fair Grove District and the Guil-Rand District were enacted and then Trinity formed and at that time there was nothing done to abolish the existing districts.

Council member Meredith asked if Trinity decided to do this would the County Commissioners still be involved. Ms. Scotten stated that if the City had abolished the fire districts within the City per their Charter when the City was formed, that would then make the City responsible for fire protection within Trinity. The City could have contracted with a fire department to provide service in Trinity at that time. There was discussion among Council members and Attorney Scotten concerning Trinity's options to amend the Charter at this time to make this change.

Ms. Scotten advised Council members that approximately 70% of the City was in the Guil-Rand Fire District operating with a 10 cent tax rate and 30% was located in the Fair Grove Fire District operating with a 6 ½ cent tax rate. Attorney Scotten discussed research conducted earlier by her and City Attorney Wilhoit concerning the possibility of redrawing the district lines. I believe Attorney Wilhoit has discussed this with you. While theoretically that is possible, in reality it probably can not be done because this is governed by Chapter 69, Article 3-A. In order to do this the City would need a petition requesting the change signed by 2/3 of the owners of the territory involved.

You would then need a favorable recommendation of the Fire Protection Commissioners and the Board of Directors of both of the Fire Departments providing protection. At this time the County Commissioners would hold a Public Hearing and this could be done if recommended favorably by the Commissioners. Because of the necessary steps a change in the district lines was something that we decided would probably not happen.

Ms. Scotton discussed Council's decision at the last meeting concerning a request to the County Commissioners to contract for one (1) Fire Department or Service Provider for Trinity. This has not been placed on the Commissioners Agenda yet. I need a letter that formally outlines the request of the City of Trinity that details exactly what you are asking them to do. One thing to keep in mind is that State Law requires that a Fire Tax District only have one tax rate within the district. The question then is the City of Trinity asking us to contract with Guil-Rand for the portion of Trinity that is currently in the Fair Grove District at the Fair Grove rate of 6 ½ cents, in which case 70% of your citizens would be paying 10cents and 30% paying 6 ½ cents for the same service from the same fire department; or are you asking us to raise the entire Fair Grove District to 10 cents, in which case the people out in the County will have their fire tax doubled with no change in service. Council members and Ms. Scotton discussed how the increase would affect residents outside the City Limits that continued to be serviced by the Fair Grove District. Ms. Scotton also discussed the 5 mile radius rule. Everyone within the 5 mile road radius gets the same rating as the fire department that forms the radius around them. People between miles 5 and 6 are rated at a 9, and people over 6 miles get a rating of 10 which is essentially a no-service rating.

When the County Commissioners originally drew the Fire Tax Districts they only used the 5 mile radius. Even though people between miles 5 and 6 receive a small decrease in their insurance it is so small that the Commissioners did not want to tax persons who were not receiving the insurance break. The Response District is meaningless pertaining to taxes and insurance ratings. The Response Districts were drawn by Randolph County EMS when the County enacted their emergency medical system (911). Someone can be in a response district but not in a tax district. When you start changing Fire Departments your 5 mile radius for insurance purposes may change even though the 5 mile tax district may remain the same.

Council members and Ms. Scotton discussed how the tax rates were affected when a Fire Department crossed over into another county. Ms. Scotton advised Council members that the tax rate for each county was set at the rate approved by the county separate from each other. Randolph County sets their rate and Davidson and Guilford set their rate. The district set up earlier in the 70's by the Randolph County Commissioners did not cross over into Davidson County. Davidson County created a district that came up to the edge of Randolph County's boundaries and Randolph created a district that came to the edge of Davidson County's boundaries. Even though both of these districts are served by the Fair Grove Fire Department they are legally and technically two (2) legal and distinct districts.

Attorney's Scotton and Wilhoit discussed with Council members how making the change would affect the tax rates. If you change the service provider and increase the tax to 10 cents this will apply throughout the County to those currently paying a 6 ½ cents rate. The rate can not just be applied to residences inside the City Limit, therefore the City needs to decide if they would leave the tax rate to persons currently in the 6 ½ cents districts at that rate and subsidize the balance between this rate and the 10 cents rate.

Council member Brown discussed his conversations with David Lawrence, Institute of Government concerning changes to the district lines. This can be done through legislative action through an Amendment to the City Charter. Manager Bailie advised Council members that it was her understanding that Trinity could have altered the District Lines when the City incorporated if they had started their own fire department. However, I have not seen anything in the Statutes that would have allowed us to contract out that service. Both Attorney Scotton and Wilhoit stated that when Trinity incorporated if the lines had been abolished they could have contacted for fire protection and it would not have been necessary to form a City Fire Department.

After further discussion, Ms. Scotton advised Council members that she wanted to clarify the facts of the request and advised Council to mail their specific requests for consideration by the Randolph County Commissioners to her. Once she received the specific requests from the City she would add this item to the appropriate Agenda for consideration by the Commissioners. She reviewed the two (2) options available to change all the rates to 10 cents which would also affect residents outside the city or leave the residents currently paying 6 ½ cents at that rate and subsidize the balance up to the 10 cents rate and have the 10 cents rate apply to residents already paying that rate. This request will need to be added to an Agenda prior to December to address the time issues as stated in the contracts.

ITEM IV. Proposed Items for the June 21, 2005 Regular Meeting of the Trinity City Council

Mayor Shore called for discussion and or motion to add these items to the June 21, 2005 Regular Meeting Agenda

Review and Approval of Minutes

1. May 10, 2005 Pre-agenda Meeting
2. May 10, 2005 Special Called Meeting (Fire Protection Public Hearing)
3. May 17, 2005 Regular City Council Meeting

Council member Reddick made a motion to add these items to the June 21, 2005 Regular Meeting Agenda. The motion was seconded by Council member Ewings and approved unanimously by all Council members present.

Public Hearings

4. **Rezoning Request # Z05-0. Request By M&P Developers To Rezone Property From RA (Residential Agriculture) To HC (Highway Commercial), R-12 (Residential 12) And RM (Residential Mixed.) Property Is Owned By Colonial Charter LLC and Is Located At 4971, 4977, 5071 and 5069 NC Hwy. 62 Further Identified As Randolph County Tax Parcel Numbers 6797337387, 6797432413, 6797433047, 6797437384 And 6797532535 (Adam Stumb)**

Mayor Shore opened this item and called for discussion and or motion to add this item to the June 21, 2005 Regular Meeting Agenda

Council member Brown asked for clarification that the developer would be responsible for all sewer installed in this proposal at which time Mr. Stumb advised Council that the developer would assume all responsibility for the costs to have sewer installed in this project. Council members, Manager Bailie, Mr. Stumb, and Attorney Wilhoit discussed in detail the Multi-Family portion of this project concerning 3 story apartment buildings and the lack of specifications in the Zoning Text Amendments concerning distance between apartment complexes for three (3) story buildings.

Manager Bailie called for clarification. Is Council asking for limitations in height for just apartment buildings or do you want this to apply to all of the Multi-Family Districts? *Council members, Manager Bailie, Attorney Wilhoit, and Mr. Stumb discussed the possibility of separating apartments from Multi-Family and to designate a separate zoning for apartments, and keep Multi-Family applicable to condos and townhomes as well as reducing the height on apartments, condos and townhomes. After discussion, Manager Bailie advised Council that she and Mr. Stumb would investigate this and report back to Council. Manager Bailie also agreed to contact the developer about withdrawing his request for RM rezoning until a later date.*

After further discussion, *Council member Brown made a motion to add this item to the June 21, 2005 Regular Meeting Agenda. The motion was seconded by Council member Meredith and approved unanimously by all Council members present.*

5. **Zoning Ordinance Text Amendments. Proposed Changes Include Landscaping, Traffic and Lighting Standards for Apartments (Adam Stumb)**

Mayor Shore opened this item and called for any further discussion on this item and or motion on Council's desire concerning this item and it's addition or deletion to the June 21, 2005 Regular Meeting.

Council member Ewings made a motion to table this item. The motion was seconded by Council member Lambeth and approved unanimously by all Council members present.

6. **Budget – Fiscal Year 2005-2006 (Ann Bailie)**

Mayor Shore opened this item and called for discussion and or motion to add this item to the June 21, 2005 Regular Meeting Agenda

Council member Reddick made a motion to add this item to the June 21, 2005 Regular Meeting Agenda. The motion was seconded by Council member Ewings and approved unanimously by all Council members present.

Unfinished Business

7. **Consider Funding For Piedmont Triad Partnership (Tabled From Last Meeting). Requested Amount: No Specific Amount (Finance Officer Recommends \$500) (City Manager)**

Mayor Shore opened this item and called for discussion and or motion to add this item to the June 21, 2005 Regular Meeting Agenda.

Manager Bailie advised members that Mr. Don Kirkman, President of this organization would be at the June 21, 2005 meeting to make a presentation for this request.

Council member Bridges made a motion to add this item to the June 21, 2005 Regular Meeting Agenda. The motion was seconded by Council member Labonte and approved unanimously by all Council members present.

New Business

8. Consider Funding for The Following (Debbie Hinson):

- **Trinity-Hardee Event – A Living Civil War History Program Started In 2003. Requested Amount: \$1,500**

After opening comments from Mayor Shore, Ms. Hinson discussed with Mayor Shore and Council members her recommendation for funding this request advising them this request was being made by individuals and not a non-profit organization or corporation. Since this is a request from a group of individuals and the amount of this request is in excess of 50% of the projected expenditures, if approved this needs to be done on a reimbursement basis with receipts furnished as record to the City. The City also needs assurances that no liability claims can arise against them and that the City is not acting as a sponsor of this event.

Mayor Shore, Council members, Manager Bailie, and Attorney Wilhoit discussed options such as becoming a non-profit organization in order to receive charitable contributions. Manager Bailie reviewed the items requested for the \$1,500.00 dollars as presented by the applicant.

Council member Meredith made a motion to table for one (1) to two (2) months to allow the applicant the opportunity to explore the possibility of becoming a non-profit organization. Council member Ewings seconded the motion. The motion and second were approved unanimously by all Council members present.

*** After further discussion, Council member Meredith rescinded his motion accepted by Council member Ewings and Council. ***

At this time, Council member Meredith made a motion to add this item to the June 21, 2005 Regular Meeting. The motion was seconded by Council member Lambeth and approved unanimously by all Council members present.

- **Friends of Trinity – Independence Day Celebration. Requested Amount: \$500 to Rent Race Car Simulator**

After opening comments from Mayor Shore, Council asked what was planned for this event other than the simulator. Council was advised that this group would have a speaker present at the Council meeting to update and advise Council on all activities that would be taking place during this celebration.

Council member Ewings made a motion to add this item to the June 21, 2005 Regular Meeting Agenda. The motion was seconded by Council member Bridges and approved unanimously by all Council members present.

9. Application for Sewer Phase 3 Funding and Resolution Authorizing Mayor to File Application (Randy McNeill)

Mayor Shore opened this item and turned discussion over to Mr. McNeill. Mr. McNeill advised Council that this item was ready to be moved forward. We are ready to submit Application to the State and can have this ready if you would like to do this at the June 21, 2005 Regular Council Meeting. Our funding agency has a deadline of August 05, 2005 to fund projects with federal monies that has been allocated to North Carolina. Any monies not allocated by August 05, 2005 will be returned to Washington. Our funding representative indicated two (2) weeks ago there was enough money in the North Carolina allocations to fund this project along with some others. His recommendation was to get the application process completed and mailed as soon as possible.

Council member Brown made a motion to move forward with this request and approve the Resolution to authorize the Mayor to execute and file an application of behalf of the City. The motion was seconded by Council member Labonte and approved unanimously by all Council members present.

10. Proposal by Smith And Jennings To Install Trinity-Required Sewer Components Concurrent With Infrastructure Construction In Colonial Village Area (Randy McNeill)

After opening comments from Mayor Shore, Mr. McNeill advised Council if this area had not been chosen for the development of the Colonial Village Project, the costs to the City to install infrastructure in this area would have been approximately \$130,000.00. Since the developer will be installing a portion of the 8" line and the manholes to serve his development he has given us a cost to expand this to the capacity needed to meet Phase 2 needs by upsizing the pipe to 12" at a cost of \$67,516.00.

Council member Brown made a motion to add this item to the June 21, 2005 Regular Agenda. The motion was seconded by Council member Bridges and approved unanimously by all Council members present.

11. Audit Contract (Debbie Hinson)

After opening comments from Mayor Shore, Ms. Hinson recommended that Council contract with Dixon Hughes to perform the Annual Audit for the City of Trinity advising Council the base price for the Annual Audit this year increased \$2,225.00. However, the difference in the Proposed Audit Fee for 04-05 for 13,000.00 is \$9,020 less than the total Audit Fees paid in 03-04. Because the City has implemented in house accounting and eliminated the need for additional bookkeeping services we were able to negotiate a set fee to include the basic audit and GASB 34 charges.

Council member Bridges made a motion to add this item to the June 21, 2005 Regular Meeting Agenda. The motion was seconded by Council member Ewings and approved unanimously by all Council members present.

12. Budget amendments (FY 04-05)

After opening comments from Mayor Shore, Manager Bailie advised Council members these were the Budget Amendments needed for the end of year compliance. There is no appropriation of funds from revenues and all amendments are line transfers only.

Council member Ewings made a motion to add this item to the June 21, 2005 Regular Meeting Agenda. The motion was seconded by Council member Reddick and approved unanimously by all Council members present.

Additional Pre-Agenda Meeting Business

ITEM V. Business from Mayor and Council

Mayor Shore

Friends of Trinity Thank You Letter

Mayor Shore read a thank you letter from the Friends of Trinity on behalf of the citizens for the clean up provided by the city for the citizens for the two (2) weekend periods. We heard positive comments from the residents. One of our goals is to make Trinity a beautiful place in which to live and think our Trinity Leadership has the same vision. We hope to carry on with this project.

Change in Position of Agenda Items

Mayor Shore discussed with Council their feelings on deleting the Opening Comments from Council from the front page of the Agenda and to add to the back page an item Business and Closing Comments from Mayor and Council.

It was the consensus of Council this change be made and future Agenda's revised to the new format.

Race Car Simulator

Mayor Shore advised Council members that Council member Labonte planned to work on acquiring the race car simulator for the Friends of Trinity. He will try to have an answer at the Regular Meeting.

ITEM VI. Business from City Manager

Financial Protocol (Segregation of Duties)

Manager Bailie and Ms. Hinson addressed this item advising Council this was not something that they needed to vote on and was only for their information. This outlines the segregation of duties and addresses collections, deposits, cash disbursements, investment procedures, and payroll procedures. These procedures are performed by staff and are established to institute additional checks required by auditors as well as the NC Local Government Commission to assure protection to both the employees and the city.

Resignation of Planning Board Member Paula Peace

Manager Bailie advised Council of the resignation of Board member Peace. Manager Bailie advised Council it was their option to appoint James Ewings to this vacant position or they could advertise for the vacant position. Our Ordinance calls to advertise, however based on the motion made at the March Council Meeting to decrease this Ward's representation from 3 to 2 members this is at your discretion on how you wish to proceed.

There was extensive discussion among Council members, Mayor Shore, and Manager Bailie concerning the options available as well as the length of term for the person that replaced Ms. Peace. There was discussion concerning the expiration of Mr. Ewings term. Also discussed was the Ordinance adopted by Council concerning the appointment and election of members to City Boards as well as the reason for Ms. Peace's resignation.

After extensive discussion, Council member Ewings made a motion that Planning Member James Ewings be considered to fill the balance of Paula's term based on submission of an application for Reappointment. The motion was seconded by Council member Lambeth and approved unanimously by all Council members present.

Improvements in the Industrial Park

Manager Bailie advised Council that she had spoken with Mr. Slate, the business owner that presented the petition regarding fire hydrants and road improvements in the Industrial Park located off of Turnpike. He is going to talk with other property owners to see if they are willing to share in the cost to make improvements to this area.

Manager Bailie discussed her handout that addressed what Mr. Slate needed to do in order to put together a petition and the city's responsibility if we chose to pay 50% towards the improvements. I have also spoken with Bonnie Renfro and asked her if there was any funding available for water and/or sewer as well as streets to help improve the standards of this industrial park.

There was discussion between Mr. McNeill, Council members, and Manager Bailie concerning the expense involved in bringing the streets in this Industrial Park up to standards. If the City chooses to assist with this at the 50/50 cost, the owners would be assessed over a 10 year period for their 50% plus interest. We have also had interest from residents in Cold Brook Court.

ITEM VII. Adjournment

With no other business to discuss, Mayor Shore called for a motion to adjourn.

Council member Ewings made a motion to adjourn the June 14, 2005 Regular Meeting Agenda. The motion was seconded by Council member Brown and approved unanimously by all Council members present.

These minutes were approved by the Trinity Council at their Regularly Scheduled Meeting on August 16, 2005 as written with no changes by motion of Council member Bridges, seconded by Council member Talbert and approved unanimously by all Council members present.

Debbie Hinson, City Clerk

James D. Shore, Mayor

Date

Date